



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/774,037	01/31/2001	Takashi Kise	1272.C0444	2123

5514 7590 06/27/2005

FITZPATRICK CELLA HARPER & SCINTO  
30 ROCKEFELLER PLAZA  
NEW YORK, NY 10112

EXAMINER

PARK, CHAN S

ART UNIT PAPER NUMBER

2622

DATE MAILED: 06/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/774,037	KISE, TAKASHI	
	<b>Examiner</b>	<b>Art Unit</b>	
	CHAN S. PARK	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 07 March 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,3-8,10 and 18-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-8,10 and 18-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)          |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendment was received on 3/7/05, and has been entered and made of record. Currently, **claims 1, 3-8, 10 and 18-21** are pending.

### ***Drawings***

2. The examiner initially notified the applicant that wrong drawings were originally filed. Upon review of the application and the applicant's comments, it is noted that the drawings correspond to the current applicant were inadvertently either filed or scanned with a related application (08/637,591) filed on 1/31/01. Therefore, these drawings, which were resubmitted on 3/7/05 as the "Duplicate of Original Drawings" are accepted and considered for the examination.

### ***Response to Arguments***

3. Applicant's arguments with respect to **claims 1, 3-8, 10 and 18-21** have been considered but are moot in view of the new ground(s) of rejection.

4. The applicant re-submitted a correct copy of the IDS dated 1/30/01 because the first page was missing. The complete copy is made of record.

### ***Claim Objections***

5. Claim 21 is objected to because of the following informalities:

Line 8, "a user" should be -- the user --;

Art Unit: 2622

Appropriate correction is required.

The following quotations of 37 § CFR 1.75(d)(1) is the basis of objection:

(d)(1) The claim or claims must conform to the invention as set forth in the remainder of the specification and the terms and phrases used in the claims must find clear support or antecedent basis in the description so that the meaning of the terms in the claims may be ascertainable by reference to the description. (See § 1.58(a)).

6. Claims 20 and 21 recites the limitation "the processing conditions". There is insufficient antecedent basis for this limitation in the claims.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3-8, 10 and 18-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Michel et al. U.S. Patent No. 6,215,562 (hereinafter Michel).

7. With respect to claim 1, Michel teaches a test printing method capable of printing a test pattern and a comparison test pattern with which the test pattern is compared (fig. 3), said method comprising steps of:

setting a processing condition (fig. 3A);

Art Unit: 2622

processing test pattern data including a plurality of different data, using the processing condition (color test page that uses new values S316);

printing the test pattern based on the processed test pattern data (S317);

judging whether or not to print the comparison test pattern, based on a state of an input by an operation of a user (color test page that uses original values S314 & S315); and

controlling execution of said printing step based on a judgment made in said judging step,

wherein when the judgment is to print the comparison test pattern, said controlling step includes controlling said printing step so that the test pattern and the comparison test pattern are printed (selecting Yes at S315 & S317 and col. 7, lines 42-45).

8. With respect to claim 3, Michel teaches the test printing method as claimed in claim 1, wherein the input is an input through a switch which can be operated so that setting is made to print only the test pattern or to print the test pattern and the comparison test pattern (col. 7, lines 42-45).

9. With respect to claim 4, Michel teaches the test printing method as claimed in claim 3, further comprising the step of printing the comparison test pattern as well as making the switch operated so that setting is made to print only the test pattern, when it is judged in said judging step that the switch is to be operated so that setting is made to print the test pattern and the comparison test pattern (col. 7, lines 42-45).

Art Unit: 2622

10. With respect to claim 5, Michel teaches the test printing method as claimed in claim 1, wherein the input is an input through a switch which can be operated in connection with other predetermined operation input, so that setting is made to print only the test pattern or to print the test pattern and the comparison test pattern (col. 7, lines 42-45).

11. With respect to claim 6, Michel teaches the test printing method as claimed in claim 1, wherein the test pattern is printed based on corrected data (color test page that uses new values S316) and the comparison test pattern is printed based on non-corrected data (color test page that uses original values S314 & S315) (fig. 3B).

12. With respect to claim 7, Michel teaches the test printing method as claimed in claim 1, wherein the test pattern and the comparison test pattern are printed in connection with a calibration for a printing apparatus (col. 3, lines 18-21 & col. 7, lines 45-50).

13. With respect to claim 8, arguments analogous to those presented for claim 1, are applicable.

14. With respect to claim 10, arguments analogous to those presented for claim 3, are applicable.

15. With respect to claim 18, arguments analogous to those presented for claim 1, are applicable.

16. With respect to claim 19, arguments analogous to those presented for claim 1, are applicable.

Art Unit: 2622

17. With respect to claim 20, Michel teaches the test printing method as claimed in claim 1, wherein data for the comparison test pattern is not processed using the processing condition (original values at S316 & S317).

18. With respect to claim 21, Michel teaches the test printing method as claimed in claim 1, wherein the processing condition is a gradation correction condition for a plurality of colors, and the test pattern includes the patterns of the plurality of colors, and further comprising the steps of:

displaying the gradation correction condition for the plurality of colors (col. 5, lines 38-60); and

editing the displayed gradation correction condition in accordance with the operation of the user (col. 7, lines 1-42 & col. 8, lines 1-14).

### ***Conclusion***

19. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

Art Unit: 2622

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHAN S. PARK whose telephone number is (571) 272-7409. The examiner can normally be reached on M-F 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on (571) 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

csp  
June 22, 2005

Chan S. Park  
Examiner  
Art Unit 2622

  
EDWARD COLES  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER